

Journal of the House

State of Indiana

114th General Assembly

First Regular Session

Sixth Meeting Day

Thursday Afternoon

January 13, 2005


The House convened at 1:30 p.m. with the Speaker in the Chair.

The invocation was offered by Reverend Terry Rhine, First United Methodist Church, Chesterton, the guest of Representative Ralph D. Ayres.

The Pledge of Allegiance to the Flag was led by Representative Ayres.

The Speaker ordered the roll of the House to be called:

T. Adams	Klinker
Aguilera	Koch
Alderman	Kromkowski
Austin	Kuzman
Avery	L. Lawson
Ayres	Lehe
Bardon	Leonard
Bauer	J. Lutz
Becker	Mahern
Behning	Mays
Bischoff	McClain
Borders	Messer
Borror	Micon
Bottorff	Moses
Bright	Murphy
C. Brown	Neese
T. Brown	Noe
Buck	Orentlicher
Budak	Oxley
Buell	Pelath
Burton	Pflum
Cheney	Pierce
Cherry	Pond
Cochran	Porter
Crawford	Reske
Crooks	Richardson
Davis	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders
Dobis	J. Smith
Dodge	V. Smith
Duncan	Stevenson
Dvorak	Stilwell
Espich	Stutzman
Foley	Summers
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta	Torr
Goodin	Turner
Grubb	Ulmer
Gutwein	VanHaaften
E. Harris	Walorski
T. Harris	Welch
Heim	Whetstone
Hinkle	Wolkins
Hoffman	Woodruff
Hoy	Yount
Kersey	Mr. Speaker

Roll Call 20: 95 present; 5 excused. The Speaker announced a quorum in attendance. [NOTE:  indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, January 18, 2005 at 1:30 p.m.

AYRES

Motion prevailed.

INTRODUCTION OF BILLS

The following bills were read a first time by title and referred to the respective committees:

HB 1312 — Grubb, Ulmer, Micon, Alderman (Courts and Criminal Code)

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

HB 1313 — Friend, Gutwein, Borror, Grubb (Agriculture and Rural Development)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1314 — Behning, Frizzell (Education)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1315 — Goodin (Roads and Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1316 — Buck, Torr, Noe (Local Government)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1317 — VanHaaften, Becker (Roads and Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

HB 1318 — Heim, Foley (Government and Regulatory Reform)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

HB 1319 — Cherry (Education)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1320 — Becker, Budak, Frizzell, C. Brown (Public Health)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1321 — Foley, Becker (Courts and Criminal Code)

A BILL FOR AN ACT concerning criminal law and procedure.

HB 1322 — J. Lutz (Local Government)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1323 — Pflum (Elections and Apportionment)

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

HB 1324 — Kromkowski, Koch (Public Health)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

- HB 1325** — Becker, C. Brown, Budak, Murphy (Public Health)
A BILL FOR AN ACT concerning human services.
- HB 1326** — Becker, T. Harris, J. Smith, C. Brown (Public Health)
A BILL FOR AN ACT to amend the Indiana Code concerning human services and to make an appropriation.
- HB 1327** — Orentlicher, Ayres, V. Smith, Welch (Education)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- HB 1328** — Becker, Hoy, L. Lawson (Public Safety and Homeland Security)
A BILL FOR AN ACT to amend the Indiana Code concerning pensions.
- HB 1329** — Becker, Avery, Hoy, VanHaaften (Public Health)
A BILL FOR AN ACT concerning state offices and administration.
- HB 1330** — Heim, Foley, Borders, Goodin (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.
- HB 1331** — Saunders, Summers, Budak (Public Health)
A BILL FOR AN ACT to amend the Indiana Code concerning human services.
- HB 1332** — Saunders, Summers, Budak (Public Health)
A BILL FOR AN ACT to amend the Indiana Code concerning human services.
- HB 1333** — Budak, Walorski, Dickinson, Ripley (Family, Children and Human Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning human services.
- HB 1334** — Budak, Saunders, Becker, Mays (Public Health)
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.
- HB 1335** — Budak, Saunders, Summers, Hinkle (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning human services.
- HB 1336** — Thomas, Grubb, Buck, Oxley (Roads and Transportation)
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.
- HB 1337** — Thomas, Koch (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- HB 1338** — Thomas (Courts and Criminal Code)
A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.
- HB 1339** — Thomas (Courts and Criminal Code)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- HB 1340** — Thomas (Public Safety and Homeland Security)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- HB 1341** — Ayres, Alderman, Kuzman, Cheney (Public Policy and Veterans Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.
- HB 1342** — Ayres, Turner, Dobis, Alderman (Public Policy and Veterans Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning gaming.
- HB 1343** — Becker, Friend, C. Brown, Budak (Education)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- HB 1344** — Buell, Kromkowski, Ayres (Employment and Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning pensions.
- HB 1345** — Buell, Kromkowski, Ayres (Employment and Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning pensions.
- HB 1346** — Buell, Kromkowski, Ayres (Employment and Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning pensions.
- HB 1347** — Buell, Kromkowski, Ayres (Employment and Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning pensions.
- HB 1348** — Buell, Kromkowski, Ayres (Public Safety and Homeland Security)
A BILL FOR AN ACT to amend the Indiana Code concerning pensions.
- HB 1349** — Saunders, Pflum (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1350** — Burton (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning property.
- HB 1351** — Burton (Roads and Transportation)
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.
- HB 1352** — C. Brown, Becker, Porter, Ruppel (Education)
A BILL FOR AN ACT to amend the Indiana Code concerning health.
- HB 1353** — C. Brown, V. Smith (Education)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- HB 1354** — C. Brown (Elections and Apportionment)
A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.
- HB 1355** — C. Brown (Public Health)
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.
- HB 1356** — C. Brown, Burton (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning property.
- HB 1357** — C. Brown, Becker, T. Brown (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1358** — C. Brown, Becker, T. Brown (Public Health)
A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.
- HB 1359** — C. Brown, Noe (Public Safety and Homeland Security)
A BILL FOR AN ACT to amend the Indiana Code concerning health.
- HB 1360** — C. Brown, Hinkle (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

- HB 1361** — C. Brown, Alderman (Public Safety and Homeland Security)
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.
- HB 1362** — C. Brown, Ruppel (Public Policy and Veterans Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.
- HB 1363** — Stevenson, J. Lutz (Employment and Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.
- HB 1364** — Stevenson, Alderman, L. Lawson (Public Safety and Homeland Security)
A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.
- HB 1365** — Hoffman, Bischoff (Natural Resources)
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.
- HB 1366** — Hoffman, Bischoff (Natural Resources)
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources and to make an appropriation.
- HB 1367** — Hoffman, Grubb (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1368** — Bischoff (Public Health)
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.
- HB 1369** — Tincher, Ruppel (Public Safety and Homeland Security)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- HB 1370** — Tincher (Elections and Apportionment)
A BILL FOR AN ACT to amend the Indiana Code concerning elections.
- HB 1371** — Tincher (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- HB 1372** — Tincher (Roads and Transportation)
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.
- HB 1373** — Tincher, Kersey (Courts and Criminal Code)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- HB 1374** — Walorski (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.
- HB 1375** — Klinker, Borders, Ripley, Fry (Insurance)
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.
- HB 1376** — Klinker, Wolkins, Micon (Public Health)
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.
- HB 1377** — Klinker, Micon (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1378** — Klinker, Micon (Education)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- HB 1379** — Klinker, Micon (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1380** — Wolkins, Cheney, L. Lawson (Employment and Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.
- HB 1381** — Wolkins, T. Adams, Welch (Environmental Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.
- HB 1382** — Wolkins, Dvorak (Commerce, Economic Development and Small Business)
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.
- HB 1383** — Wolkins, Bottorff, Cherry (Environmental Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.
- HB 1384** — Murphy (Elections and Apportionment)
A BILL FOR AN ACT to amend the Indiana Code concerning elections.
- HB 1385** — Murphy, Reske (Public Policy and Veterans Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.
- HB 1386** — Porter, Behning (Education)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- HB 1387** — Frizzell (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- HB 1388** — Austin (Family, Children and Human Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- HB 1389** — Austin (Courts and Criminal Code)
A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.
- HB 1390** — Frizzell (Public Health)
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.
- HB 1391** — Messer (Commerce, Economic Development and Small Business)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- HB 1392** — Saunders, Borders (Roads and Transportation)
A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.
- HB 1393** — Stutzman (Roads and Transportation)
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.
- HB 1394** — Stutzman (Employment and Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning pensions.
- HB 1395** — Stutzman (Roads and Transportation)
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.
- HB 1396** — Stutzman (Roads and Transportation)
A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.
- HB 1397** — Stutzman (Public Safety and Homeland Security)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

- HB 1398** — Foley, Behning, Kuzman (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning technical corrections.
- HB 1399** — Yount (Employment and Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.
- HB 1400** — Yount (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1401** — Yount (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1402** — Borders, Ripley (Insurance)
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.
- HB 1403** — Thomas, Reske (Insurance)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- HB 1404** — Duncan, Becker (Commerce, Economic Development and Small Business)
A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.
- HB 1405** — Whetstone, Thompson (Courts and Criminal Code)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- HB 1406** — Whetstone, Kuzman (Public Policy and Veterans Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.
- HB 1407** — Richardson (Elections and Apportionment)
A BILL FOR AN ACT to amend the Indiana Code concerning elections.
- HB 1408** — Yount, Borrer (Commerce, Economic Development and Small Business)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1409** — Yount, Borrer (Commerce, Economic Development and Small Business)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1410** — Yount, Koch, Messer (Environmental Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.
- HB 1411** — Welch, Pierce (Ways and Means)
A BILL FOR AN ACT concerning taxation.
- HB 1412** — Welch, Behning (Public Health)
A BILL FOR AN ACT to amend the Indiana Code concerning health.
- HB 1413** — Welch, Budak (Public Health)
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration and to make an appropriation.
- HB 1414** — Welch (Elections and Apportionment)
A BILL FOR AN ACT to amend the Indiana Code concerning elections.
- HB 1415** — Dodge, Welch (Public Health)
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

- HB 1416** — Budak, Welch, T. Brown (Public Health)
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.
- HB 1417** — Welch (Education)
A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.
- HB 1418** — Orentlicher, Welch (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1419** — Woodruff, J. Smith, Davis (Employment and Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning pensions.
- HB 1420** — Turner, Espich, Borrer, Reske (Commerce, Economic Development and Small Business)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1421** — Turner, T. Harris, Noe, Welch (Government and Regulatory Reform)
A BILL FOR AN ACT concerning state offices and administration.
- HB 1422** — Turner, Borrer (Commerce, Economic Development and Small Business)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1423** — Turner (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning property.
- HB 1424** — Turner (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1425** — Turner (Government and Regulatory Reform)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.
- HB 1426** — Turner (Education)
A BILL FOR AN ACT to amend the Indiana Code concerning education finance and to make an appropriation.
- HB 1427** — Turner (Education)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- HB 1428** — Turner (Public Health)
A BILL FOR AN ACT to amend the Indiana Code concerning health.
- HB 1429** — Turner (Courts and Criminal Code)
A BILL FOR AN ACT to amend the Indiana Code concerning corrections.
- HB 1430** — Turner, T. Harris (Education)
A BILL FOR AN ACT to amend the Indiana Code concerning education finance and to make an appropriation.

INTRODUCTION OF JOINT RESOLUTIONS

The following joint resolutions were read a first time by title and referred to the respective committees:

- HJR 9** — Stutzman (Judiciary)
A JOINT RESOLUTION proposing an amendment to Article 1 of the Indiana Constitution concerning marriage.

Be it resolved by the General Assembly of the State of Indiana:

SECTION 1. The following amendment to the Constitution of the State of Indiana is proposed and agreed to by this, the One Hundred Fourteenth General Assembly of the State of Indiana, and is referred to the next General Assembly for reconsideration and agreement.

SECTION 2. ARTICLE 1 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED BY ADDING A **NEW** SECTION TO READ AS FOLLOWS: **Section 38. Only marriage between a man and a woman is valid in Indiana.**

HJR 10 — Turner, T. Harris, Borders, Woodruff (Judiciary)

A JOINT RESOLUTION proposing an amendment to Article 1 of the Indiana Constitution concerning marriage.

Be it resolved by the General Assembly of the State of Indiana:

SECTION 1. The following amendment to the Constitution of the State of Indiana is proposed and agreed to by this, the One Hundred Fourteenth General Assembly of the State of Indiana, and is referred to the next General Assembly for reconsideration and agreement.

SECTION 2. ARTICLE 1 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED BY ADDING A **NEW** SECTION TO READ AS FOLLOWS: **Section 38. (a) Marriage in Indiana consists only of the union of one (1) man and one (1) woman.**

(b) Neither this Constitution nor any other Indiana law may be construed to confer marital status or any legal incidents of marriage upon unmarried couples or groups.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1039, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 24, after "presence" insert "**or use**".

Page 2, delete lines 28 through 31, begin a new line double block indented and insert:

"(A) incarcerated in a prison or jail;

(B) placed in a community corrections program;

(C) on probation or parole;

(D) participating in a court established or court ordered alcohol or drug treatment program; or

(E) on court ordered pretrial release."

Page 4, line 24, after "used to" insert "**interfere with or**".

Page 4, line 29, after "who" insert "**interferes with or**".

Page 4, line 29, after "to" insert "**interfere with or**".

(Reference is to HB 1039 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 2.

ULMER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment and Labor, to which was referred House Bill 1051, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 22-2-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Every person, firm, corporation, limited liability company, or association, their trustees, lessees, or receivers appointed by any court, doing business in Indiana, shall pay each employee at least semimonthly or biweekly, if requested, the amount due the employee. The payment shall be made in lawful money of the United States, by negotiable check, draft, or money order, or by electronic transfer to the financial institution designated by the employee. Any contract in violation of this subsection is void.

(b) Payment shall be made for all wages earned to a date not more than ten (10) **business** days prior to the date of payment. However, this subsection does not prevent payments being made at shorter intervals than specified in this subsection, nor repeal any law providing for payments at shorter intervals. However, if an employee

voluntarily leaves employment, either permanently or temporarily, the employer shall not be required to pay the employee an amount due the employee until the next usual and regular day for payment of wages, as established by the employer. If an employee leaves employment voluntarily, and without the employee's whereabouts or address being known to the employer, the employer is not subject to section 2 of this chapter until:

(1) ten (10) **business** days have elapsed after the employee has made a demand for the wages due the employee; or

(2) the employee has furnished the employer with the employee's address where the wages may be sent or forwarded."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1051 as introduced.)

Committee Vote: yeas 7, nays 4.

TORR, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred House Bill 1075, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, delete "As used in this section, the term "policy of".

Page 1, delete lines 4 through 17.

Page 2, delete lines 1 through 2.

Page 2, line 3, delete "(b)".

Run in page 1, line 3, through page 2, line 3.

Page 3, line 6, delete "(c)" and insert "**(b)**".

Page 3, line 6, delete "(b)," and insert "**(a)**".

(Reference is to HB 1075 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 2.

RIPLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1078, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

HOFFMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1112, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 9 through 16, begin a new line block indented and insert:

"(3) an offense described in IC 35-50-2-2(b)(4)(Q) (operating a vehicle while intoxicated with at least two (2) prior unrelated convictions), if the person:

(A) is required to serve the nonsuspendible part of the sentence in a community corrections:

(i) work release program; or

(ii) program that uses electronic monitoring as a part of the person's supervision; and

(B) participates in a court approved substance abuse program."

(Reference is to HB 1112 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

ULMER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1159, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 3.

Page 4, delete lines 1 through 3.

Page 4, line 7, delete "has the meaning set forth in" and insert **"means an individual at least sixty-five (65) years of age who is reported missing to a law enforcement agency and is, or is believed to be:**

(1) a temporary or permanent resident of Indiana;

(2) at a location that cannot be determined by an individual familiar with the missing individual; and

(3) incapable of returning to the individual's residence without assistance."

Page 4, delete line 8, begin a new paragraph, and insert:

"SECTION 2. IC 12-7-2-174.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 174.8. "Senior medical alert" means an alert indicating that law enforcement officials are searching for a missing endangered senior."

Page 4, line 13, after "1." insert **"(a)".**

Page 4, line 14, after "senior" insert **"from:**

(1) the missing endangered senior's:

(A) guardian;

(B) custodian; or

(C) guardian ad litem; or

(2) an individual who:

(A) provides the missing endangered senior with home health aid services;

(B) possesses a health care power of attorney for the missing endangered senior; or

(C) has proof that the missing endangered senior has a medical condition;"

Page 4, line 14, beginning with "shall" begin a new line blocked left.

Page 4, line 15, delete "That report", begin a new paragraph and insert:

"(b) The report described in subsection (a)".

Page 4, line 34, after "3." insert **"(a)".**

Page 5, line 6, delete "the Indiana clearinghouse for information on missing" and insert **"one (1) or more broadcasters that broadcast in an area where the missing endangered senior may be located;"**.

Page 5, delete line 7.

Page 5, between lines 10 and 11, begin a new paragraph and insert:

"(b) Upon completion of the report required by section 1 of this chapter, a law enforcement agency may forward a copy of the contents of the report to one (1) or more newspapers distributed in an area where the missing endangered senior may be located.

(c) After forwarding the contents of the report to a broadcaster or newspaper under this section, the law enforcement agency shall request that the broadcaster or newspaper may:

(1) notify the public that there is a senior medical alert; and

(2) broadcast or publish:

(A) a description of the missing endangered senior; and

(B) any other relevant information that would assist in locating the missing endangered senior."

Page 5, line 12, delete "not later than" and insert **"as soon as possible".**

Page 5, line 13, delete "twenty-four (24) hours".

Page 5, after line 14, begin a new paragraph and insert:

"Sec. 5. An individual described in section 1(a)(1) or 1(a)(2) of this chapter who notifies a law enforcement agency concerning a missing endangered senior shall notify the law enforcement agency when the missing endangered senior is found.

Sec. 6. (a) A broadcaster or newspaper that notifies the public that there is a senior medical alert and broadcasts or publishes to the public information contained in the report forwarded to the broadcaster or newspaper by a law enforcement agency, including:

(1) a description of the missing endangered senior; and

(2) any other relevant information that would assist in locating the missing endangered senior; is immune from civil liability for an act or omission related to the broadcast or the publication of the newspaper.

(b) The civil immunity described in subsection (a) does not apply to an act or omission that constitutes gross negligence or willful, wanton, or intentional misconduct.

SECTION 4. IC 34-30-2-43.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 43.3. IC 12-10-18-5 (Concerning a broadcaster who broadcasts a senior medical alert or a newspaper that publishes a senior medical alert)."

Renumber all SECTIONS consecutively.

(Reference is to HB 1592 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

BUDAK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1169, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 2.

HINKLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred House Bill 1219, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 12 through 15.

Page 1, line 16, delete "(c)" and insert **"(b)".**

Page 2, line 1, delete "(d)" and insert **"(c)".**

Page 2, line 6, delete "(e)" and insert **"(d)".**

Page 2, line 6, after "insurer" insert **"that issues or renews a policy of motor vehicle insurance".**

Page 2, line 7, delete "for" and insert **"that covers".**

Page 2, line 7, delete "described in subsection" and insert **"who is serving in one (1) of the armed forces".**

Page 2, line 8, delete "(b)".

Page 2, line 9, after "for" insert **"a policy of motor vehicle insurance that covers".**

Page 2, line 9, delete "described in subsection (b)." and insert **"serving in one (1) of the armed forces".**

Page 2, line 10, delete "(f)" and insert **"(e)".**

(Reference is to HB 1219 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

RIPLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1241, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

ULMER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1248, has had the same under consideration and begs leave to report the same back to the House

with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

ULMER, Chair

Report adopted.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that House Bills 1039, 1078, 1112, 1219, and 1241 had been referred to the Committee on Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 2 and 14 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 1

Representative V. Smith introduced House Concurrent Resolution 1:

A CONCURRENT RESOLUTION commemorating Martin Luther King, Jr., Day.

Whereas, Dr. Martin Luther King, Jr., was one of our nation's truly great leaders;

Whereas, Dr. King had many dreams: of an America where "justice rolls down like waters and righteousness like a mighty stream"; of an America where neighbors look "beyond the external accidents and discern those inner qualities that make all men human and, therefore, brothers"; of a time when "this nation will rise up and live out the true meaning of its creed, 'we hold these truths to be self evident: that all men are created equal'";

Whereas, Dr. King had a dream for a better society in which "the sons of former slaves and the sons of former slave owners will be able to sit together at the table of brotherhood";

Whereas, The visions of Dr. King continue to bring hope and inspiration to people of all nations;

Whereas, All Americans must continue to gather inspiration from the life of Dr. Martin Luther King, Jr., and strive to realize his dreams: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That it is fitting and proper that Dr. Martin Luther King, Jr., be remembered and recognized by future generations of Americans.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Rogers.

House Concurrent Resolution 2

Representative Friend introduced House Concurrent Resolution 2:

A CONCURRENT RESOLUTION to convene a Joint Session of the 114th General Assembly of the State of Indiana.

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That a joint convention of the Senate and House of Representatives be convened, to meet in the Chambers of the House of Representatives at 7:00 p.m., on Tuesday, January 18th, 2005, to receive the Governor's message which will be given in compliance with Section 13 of Article 5 of the Constitution of the State of Indiana and the Speaker is hereby directed to appoint a committee of four

members of this House to transmit this resolution to the Senate and report to this House such action as the Senate may take thereon.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Garton.

Senate Concurrent Resolution 2

The Speaker handed down Senate Concurrent Resolution 2, sponsored by Representative Buell:

A CONCURRENT RESOLUTION honoring Kevin Wright.

Whereas, Coach Kevin Wright was recently named the 2004 Indiana High School Football Coach of the Year;

Whereas, During his six years as Warren Central High School head varsity football coach, Coach Wright made quite a name for himself and his team, having amassed two state championship titles, two semistate titles, two regional titles, and seven sectional titles;

Whereas, Coach Wright began his coaching career in 1987 as an assistant coach at North Central High School;

Whereas, Before coming to Warren Central, Coach Wright held positions at Frankfort High School, Noblesville High School, and Louisville Trinity High School;

Whereas, Coach Wright knows the game of football inside and out, having played for Sheridan High School until his graduation in 1983 and Western Kentucky University from 1983 until his graduation in 1987;

Whereas, Coach Wright has experienced many great moments in his football career, but his biggest thrill came in 1980 when he was a member of the first state championship team at Sheridan High School, coached by his father;

Whereas, In addition to his duties as head football coach, Coach Wright teaches physical education;

Whereas, Coach Wright is well aware of the important role teachers play in the lives of our children; he has twenty relatives that are currently teachers in the central Indianapolis area; and

Whereas, Coaches and teachers play a special part in the lives of our children; coaches like Kevin Wright help to build the character of our children and mold them into productive and caring adults: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates Kevin Wright on the occasion of his selection as the 2004 Indiana Football Coach of the Year and wishes him continued success in his future endeavors.

SECTION 2. That the Secretary of the Senate transmit copies of this resolution to Coach Kevin Wright and his family, the athletic director of Warren Central High School, the principal of Warren Central High School, and the superintendent of the Metropolitan School District of Warren Township.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 14

The Speaker handed down Senate Concurrent Resolution 14, sponsored by Representative Buell:

A CONCURRENT RESOLUTION to honor Warren Central High School, Indianapolis, Indiana, on the occasion of its second consecutive victory in the Class 5A state football championship.

Whereas, The Warren Central High School Warriors are the Class 5A state football champions for the second consecutive year;

Whereas, A strong Warren Central team defeated top-ranked and previously unbeaten Fort Wayne Snider, 35-23, for the Class 5A state championship played in the RCA Dome on Saturday, November 27, 2004;

Whereas, This victory commemorated Warren Central's fourth state championship title and its second under coach Kevin Wright;

Whereas, Number three ranked Warren Central ran for more than 300 yards in the championship game and severely limited Fort Wayne Snider's potent running attack;

Whereas, Sophomore fullback Darren Evans set a Class 5A record when he rushed for 166 yards on 33 carries and a touchdown;

Whereas, Junior quarterback Dexter Taylor accounted for 218 offensive yards, ran for three touchdowns, and passed to senior Josh Bailey for another touchdown in completing a record 99-yard play from scrimmage;

Whereas, The offensive line allowed Warren Central to accumulate 461 yards and hold the ball for more than 30 minutes in a 48-minute game;

Whereas, Sixty-five of Warren Central's 68 offensive plays came on the ground to set a Class 5A game record totaling 347 yards; and

Whereas, Excellence at this level requires teamwork and cooperation, it is fitting that this effort be recognized: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates the Warren Central Warriors on their second consecutive Class 5A state football championship and to wish them well in their future endeavors.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to team members, coaches, managers, Warren Central's school principal, and the school's superintendent.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that a committee of four members of this House be appointed by the Speaker, to act with a like committee of the Senate, to wait upon the Governor and to escort him to the Chambers of the House of Representatives to deliver his message to the General Assembly on Tuesday, January 18, 2005.

FRIEND

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Becker, Ruppel, Austin, and Robertson be appointed by the Speaker of the House of Representatives, to act with a like committee of the Senate to wait upon the Governor and to escort him to the Chambers of the House of Representatives to deliver his message to the General Assembly on Tuesday, January 18, 2005.

FRIEND

Motion prevailed. The Speaker appointed Representatives Becker, Ruppel, Austin, and Robertson to escort the Governor.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 3:15 p.m. with the Speaker in the Chair.

Representative Turner was excused for the rest of the day.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1097, has had the same under consideration and

begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-1.1-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 11. (a) Subject to the limitation contained in subsection (b), "personal property" means:

- (1) nursery stock that has been severed from the ground;
- (2) florists' stock of growing crops which are ready for sale as pot plants on benches;
- (3) billboards and other advertising devices which are located on real property that is not owned by the owner of the devices;
- (4) motor vehicles, mobile houses, airplanes, boats not subject to the boat excise tax under IC 6-6-11, and trailers not subject to the trailer tax under IC 6-6-5;
- (5) foundations (other than foundations which support a building or structure) on which machinery or equipment is installed; and
- (6) all other tangible property (other than real property) which is being:
 - (A) held for sale in the ordinary course of a trade or business;
 - (B) held, used, or consumed in connection with the production of income; or
 - (C) held as an investment.

(b) Personal property does not include **the following**:

(1) Commercially planted and growing crops while they are in the ground.

(2) Computer application software."

Page 2, line 7, after "computer" insert "**application**".

Page 2, line 7, delete ";" and insert "**, for the purpose of deducting the value of computer application software from the acquisition cost of tangible personal property whenever the value of the tangible personal property that is recorded on the taxpayer's books and records reflects the value of the computer application software;**".

Page 2, line 16, delete "Except as provided in subsection (e), with" and insert "With".

Page 2, delete lines 20 through 21.

Page 2, line 22, after "2006]" insert "**IC 6-1.1-1-11 and**".

Page 2 line 22, after "IC 6-1.1-31-7," insert "**both**".

Page 2, line 23, delete "applies" and insert "**apply**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1097 as introduced.) and when so amended that said bill do pass.

Committee Vote: yeas 24, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1118, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 7, between lines 17 and 18, begin a new line block indented and insert:

"(4) A policy provided under IC 27-8-10 (Indiana comprehensive health insurance association).

(5) Group health insurance offered through an employer."

Page 7, line 24, delete "or" and insert "**basis or, except as provided in subsection (b)(5),**".

(Reference is to HB 1118 as introduced.) and when so amended that said bill do pass.

Committee Vote: yeas 21, nays 1.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1182, has had the same under consideration and begs leave to report the same back to the House with the

recommendation that said bill do pass.

Committee Vote: yeas 22, nays 0.

ESPICH, Chair

Report adopted.

HOUSE BILLS ON SECOND READING

House Bill 1029

Representative Burton called down House Bill 1029 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1029-1)

Mr. Speaker: I move that House Bill 1029 be amended to read as follows:

Page 2, between lines 41 and 42, begin a new paragraph and insert: "SECTION 2. IC 9-18-15-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) A person who applies for:

- (1) a personalized license plate; or
- (2) the renewal of a personalized license plate in the subsequent period;

must file an application in the manner the bureau requires, indicating the combination of letters or numerals, or both, requested as a registration number.

(b) The bureau may refuse to issue a combination of letters or numerals, or both, that:

- (1) carries a connotation offensive to good taste and decency; or
- (2) would be misleading.

(c) **After January 1, 2006, the bureau may not issue a personalized license plate issued under IC 9-18-24.5 with the numerals:**

- (1) **six hundred sixty-six (666); or**
- (2) **six hundred and sixteen (616)."**

Page 3, line 9, after "vehicle." insert **"However, if numbers alone are used, at least three (3) numbers must be included."**

Re-number all SECTIONS consecutively.

(Reference is to HB 1029 as printed January 11, 2005.)

MAHERN

Upon request of Representatives Mahern and Stilwell, the Speaker ordered the roll of the House to be called. Roll Call 21: yeas 42, nays 46. Motion failed.

HOUSE MOTION (Amendment 1029-9)

Mr. Speaker: I move that House Bill 1029 be amended to read as follows:

Page 4, line 4, delete "to" and insert **"to:**

(1)".

Page 4, line 4, after "registration" delete "fee" and insert **"fee;"**.

Page 4, line 4, delete "and" and begin a new line block indented and insert:

"(2) "

Page 4, line 5, delete "." and insert **"; and**

- (3) **a fee set by rule by the bureau, which must cover the cost to the bureau of the production of the plate.**

SECTION 5. [EFFECTIVE UPON PASSAGE] (a) **Notwithstanding IC 9-29-5-34.5, as added by this act, the bureau of motor vehicles shall carry out the duties imposed upon it under IC 9-29-5-34.5 under interim written guidelines approved by the commissioner of motor vehicles.**

(b) **This SECTION expires on the earlier of the following:**

- (1) **The date rules are adopted under IC 9-29-5-34.5.**
- (2) **December 31, 2006.**

SECTION 6. **An emergency is declared for this act."**

(Reference is to HB 1029 as printed January 11, 2005.)

MAYS

Motion prevailed.

HOUSE MOTION (Amendment 1029-3)

Mr. Speaker: I move that House Bill 1029 be amended to read as follows:

Page 3, line 10, delete ", an emblem,".

Page 3, line 11, after "plate." insert **"There may not be an emblem on the license plate that is a religious identifier."**

(Reference is to HB 1029 as printed January 11, 2005.)

HOY

Motion prevailed. The bill was ordered engrossed.

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 1 and 2 and the same are herewith returned to the House.

MARY C. MENDEL

Principal Secretary of the Senate

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1004, Roll Call 18, on January 11, 2005. In support of this petition, I submit the following reason:

"When I attempted to vote, I pushed the nay button. The vote failed to record. I intended to vote nay on Engrossed House Bill 1004."

PFLUM

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the final vote tally for Roll Call 18 to 61 yeas, 37 nays.*]

HOUSE MOTION

Mr. Speaker: I move that Representatives Goodin, Stutzman, and Mays be added as coauthors of House Bill 1029.

BURTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Fry be added as coauthor of House Bill 1069.

HINKLE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Summers be added as coauthor of House Bill 1085.

THOMAS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Moses be added as coauthor of House Bill 1182.

LEONARD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Ripley, Fry, and Borders be added as coauthor of House Bill 1219.

KOCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Summers be removed as author of House Bill 1256, Representative Thomas be substituted as author, and Representative be added as coauthor.

SUMMERS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Summers be removed as author of House Bill 1259, Representative Thomas be substituted as author, and Representative be added as coauthor.

SUMMERS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Grubb, Hoffman, and Bischoff be added as coauthor of House Joint Resolutions 4.

ULMER

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Walorski, the House adjourned at 3:35 p.m., this thirteenth day of January, 2005, until Tuesday, January 18, 2005, at 1:30 p.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives